REMARKS

Claims 14-16, 18-20 and 22-27 are pending. Claims 16, 20 and 24 were rewritten in independent form, and claims 13, 17 and 21 were canceled. Claim 17 was amended to address the 35 U.S.C. § 101 rejection, and the specification was amended accordingly as suggested by the Examiner.

No new matter was filed. Regarding the amendment to page 15, lines 22-26 of the specification, the original language inherently discloses "non-transitory computer storage media encoded with computer-executable instructions." Furthermore, the Examiner stated that the addition of this phrase would not constitute "new matter."

Entry of Rule 116 Response

Entry of this response is requested because this response does not raise any new issues that would require further consideration and/or search. No new claim features are being presented in this response. No new matter is raised by this response. This response could not have been previously presented because the issues addressed herein are responsive to new grounds of rejection. Lastly, it is requested that the response be entered even if the application is not allowed because this response will place the application in better form for appeal by materially simplifying the issues.

If the application is not in proper form for allowance, Applicants request that the Examiner telephone the undersigned to discuss any further outstanding issues.

Statement of Substance of Examiner Interview

Applicants wish to thank Examiner Siddiqi for extending the courtesy of a personal interview in respect to this application on September 3, 2009 with Applicants' undersigned representative and joint inventor Richard Martin (participating via telephone). During the interview, the Amendment previously filed on June 22, 2009 ("the previous response") was discussed. The statements in the Examiner's Interview Summary mailed on September 29, 2009

accurately reflects the issues discussed during the interview. No agreement was reached on allowable subject matter. The new rejection given in the outstanding Office Action rendered moot the proposed Amendment referred to in the Interview Summary.

Applicants' undersigned representative telephoned the Examiner on October 15, 2009 to briefly discuss the new grounds of rejection based on Truong in view of Shrader, and to point out that the newly cited reference (Shrader) lacks most of the same features that were previously argued as being missing in Truong which was previously applied as a 102(b) reference, and to ask how Applicants can advance prosecution of the application which has now received eight Office Actions. In response, the Examiner suggested that an "Amendment After Final" be submitted incorporating the subject matter of claim 16 into claim 13, with similar amendments made to the article of manufacture and apparatus claims, along with substantive arguments regarding why claim 16 would be patentable over the newly applied combination. Accordingly, the present response is being filed to present such an amendment.

Rejection under 35 U.S.C. § 101

Claim 17 was rejected under 35 U.S.C. § 101 for allegedly reciting non-statutory subject matter. This rejection is believed to be moot in view of the amendments made to claim 17 and the specification.

Page 15, lines 22-26 of the original specification as amended as follows:

> The present invention can be included in an article of manufacture (e.g., one or more computer program products) having, for instance, computer useable media (non-transitory computer storage media encoded with computer-executable instructions). The media has embodied therein, for instance, computer readable program code means for providing and facilitating the mechanisms of the present invention. The article of manufacture can be included as part of a computer system or sold separately.

Prior Art Rejection

All pending claims were rejected under 35 U.S.C. § 103(a) as being unpatentable over Truong in view of Shrader et al. (hereafter, "Shrader"). Applicants respectfully traverse this rejection as it relates to the amended set of claims.

1. <u>Patentability of claims 16, 20 and 24 over applied references</u>

Exemplary claim 16 reads as follows (underlining added for emphasis):

> 16. A method of constructing a web page that allows for receipt of digital assets, the method comprising:
> (a) electronically constructing a web page from source code; and
> (b) inserting script associated with at least one digital asset that is desired to be part of a fully rendered web page into the web page, the inserted script including code to request the content of the digital asset from a remote site when the code is executed by a browser, the code including:
>   <u>(i) a uniform resource identifier (URI) of the web page for use by the remote site in authenticating whether the URI is authorized to receive the content of the digital asset, and</u>
>   <u>(ii) a unique identifier of the content of the digital asset,</u>
>   <u>wherein the script includes a subscriber identifier and a content identifier, which, together, create the unique identifier of the content</u>.

None of the above-highlighted features are disclosed or suggested in the applied references.

In the outstanding rejection of claim 13 (now incorporated into claim 16), the Examiner states that clauses (b)(i) and (b)(ii) are disclosed in column 7, lines 20-33 and column 8, lines 3-16 of Truong. Applicants respectfully traverse this statement for the same reasons given in the previous response, which is incorporated by reference herein. See, especially, pages 17-19 of the previous response which summarizes the reasons why Truong does not disclose the features of these clauses. The Examiner did not explain why such arguments were not persuasive, but simply repeated them in the present Office Action. See the paragraph numbered 14 of the Office Action which states that "Applicant's arguments...have been considered but are moot in view of the new ground(s) of rejection." However, since the grounds of rejection are the <u>same</u> for at least these features, Truong is still believed to not meet these features.

Furthermore, in the outstanding rejection of claim 16, the Examiner states that elements

of Fig. 4 and column 3, lines 5-52 of Shrader disclose that the script in Shrader includes a

subscriber identifier and a content identifier, which, together, create a unique identifier of

content. Applicants respectfully traverse this characterization of Shrader.

One preferred embodiment of the claimed "script [that] includes a subscriber identifier

and a content identifier, which, together, create the unique identifier of the content" is shown in

the attached marked up versions of Figure 16 and Figure 17, which are provided as an Appendix

to this response.

Column 3, lines 5-52 of Shrader reads as follows (underlining added for emphasis):

Referring now to FIG. 2, a screen capture for a basic JavaScript test
page in accordance with a preferred embodiment of the present invention
is illustrated. Screen capture 202 illustrates use of JavaScript reloading in
an HTML frame. The source code for the test page follows in Listing 1:

Listing 1

```
<HTML>
<!-- jtest.html -->
<SCRIPT LANGUAGE="JavaScript">
function reloadtest ( ) {
location.reload(true) ;
}
</SCRIPT>
<TITLE>This is a reload testing page for DFS Web Secure
</TITLE>
<BODY onLoad="window.setTimeout (`reloadtest( ) ;`, 5000) ;">
<font size=-1>
<p> This is a reload testing page for DFS Web Secure
<br>
<b>
<SCRIPT LANGUAGE="JavaScript">
timenow = new Date ( ) ;
document.writeln(timenow.toLocaleString( ) ) ;
document.writeln("<BR>") ;
document.writeln(location) ;
</SCRIPT>
</font>
</b>
</BODY>
</HTML>
```

With the test page and source code shown, after 5 seconds, the browser
window calls the reloadtest function, which in turn calls the JavaScript

> <u>reload method, forcing reload of the document</u> from the source rather than from a browser cache. Passing the reload method a "true" value, a value indicating that the <u>document should be reloaded</u>, causes the browser to refetch the frame from the Web server.
>
> The <SCRIPT> tag within the source code in Listing 1 causes the JavaScript-enabled Web browser to <u>dynamically evaluate its contents</u>. For the source code employed in the exemplary embodiment, the current time and the Uniform Resource Locator (URL) of the test page are displayed on the screen every time the file is loaded. Alternatively, the URL and time may be logged to an access tracking file. The time allows the tester to determine whether the test is still running.

This text portion of Shrader merely describes that the Javascript causes <u>reloading</u> of a document and <u>dynamic evaluation</u> of its contents. There are no elements of the Javascript that disclose a <u>subscriber identifier</u> or <u>content identifier</u>, or anything else, that, <u>together</u>, create a <u>unique</u> <u>identifier of content</u>. Except for the fact that Shrader constructs a web page that includes script, Shrader has nothing else whatsoever to do with the claimed invention. (Applicants are not claiming to have invented constructing a web page that includes script.)

Figure 4 of Shrader is a flowchart that illustrates, in part, the reloading process described above. Applicants have carefully reviewed all of the elements of Figure 4, and the corresponding description of Figure 4 on column 5, line 49 through column 6, line 53 of Shrader and cannot locate any elements that are functionally equivalent to "script [that] includes a subscriber identifier and a content identifier, which, together, create the unique identifier of the content." Accordingly, the combination of Truong and Shrader would still lack such features, and thus claim 16 is believed to be patentable over the combination of these references.

Independent claims 20 and 24 are believed to be patentable over the applied combination for at least the same reasons as given for claim 17 above.

2. Patentability of dependent claims

The dependent claims are believed to be patentable over the applied references for at least the reason that they are dependent upon allowable base claims and because they recite additional patentable elements and steps.

Conclusion

Insofar as the Examiner's rejections were fully addressed, the instant application is in condition for allowance. Entry of this response, withdrawal of the Final Rejection, and issuance of a Notice of Allowability of all pending claims is therefore earnestly solicited.

Respectfully submitted,

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Enclosure: Appendix (3 pages, including cover page)

APPENDIX

to "Amendment After Final..."